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Counsel for the Official Committee Of
Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☒ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Amended Notice of Hearing; Objection of
USACM Trust To Maria Pena Claim Filed in
Wrong Debtor's Case; Objection of FTDF to
Proposed Allowance of Claim**

New Hearing Date: September 28, 2007
New Hearing Time: 1:30 p.m.

AMENDED NOTICE OF OBJECTION TO CLAIM

THE USACM LIQUIDATING TRUST AND THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. THE DATE OF THE HEARING ON THE OBJECTION, AS WELL AS THE DEADLINE TO RESPOND TO THE OBJECTION HAS BEEN CHANGED. UNLESS THE RESPONSE DEADLINE IS FURTHER ADVANCED BY THE COURT, THE NEW DEADLINE TO RESPOND TO THE OBJECTION IS SEPTEMBER 21, 2007. THE DATE OF THE HEARING ON THE OBJECTION HAS BEEN RESCHEDULED TO SEPTEMBER 28, AT 1:30 P.M. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR WWW.BMCGROUP.COM/USACMC, or to the undersigned counsel. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is a debt of USA Capital First Trust Deed Fund, LLC Case No. 06-10728 ("FTDF"). The Official Committee of Equity Security Holders of FTDF (the "FTDF Committee"), by and through its counsel, further objects to any proposed allowance of your claim against the FTDF estate. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and FTDF. If the Court grants the requested relief, it will not affect

1 your existing equity interest in the FTDF estate to the extent you hold an equity interest in
2 FTDF.

3 **NOTICE IS FURTHER GIVEN** that date of the hearing on the Objection has been
4 rescheduled, and that unless the hearing date is further advanced by the Court, the hearing on the
5 Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in
6 the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada,
7 on **SEPTEMBER 28, 2007** at the hour of **1:30 p.m.** **THE HEARING WILL BE HELD FOR**
8 **THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY**
9 **HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.**
10 **HOWEVER, IF THERE IS NO RESPONSE TO THE OBJECTION, THE COURT MAY**
11 **GRANT THE RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE**
12 **CLAIMS FILED AGAINST USACM AND THE FTDF.**

13 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is further advanced
14 by the Court, any response to the Objection must be filed by September 21, 2007 pursuant to
15 Local Rule 3007(b), which states:

16
17 If an objection to a claim is opposed, a written response must be
18 filed and served on the objecting party at least 5 business days
19 before the scheduled hearing. A response is deemed sufficient if it
20 states that written documentation in support of the proof of claim
has already been provided to the objecting party and that the
documentation will be provided at any evidentiary hearing or trial
on the matter.

21 If you object to the relief requested, you *must* file a **WRITTEN** response to this
22 pleading with the Court. You *must* also serve your written response on the person
who sent you this notice.

23 If you do not file a written response with the Court, or if you do not serve your
24 written response on the person who sent you this notice, then:

- 25
- The Court may *refuse to allow you to speak* at the scheduled hearing; and
 - The Court may *rule against you* without formally calling the matter at the
26 hearing.

1 Dated: August 16, 2007.

2 By: /s/ Eve H. Karasik
3 FRANK A. MEROLA (CA State Bar
4 No. 136934),
5 EVE H. KARASIK (CA State Bar
6 No. 155356), and
7 CHRISTINE M. PAJAK (CA State Bar No.
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By: /s/ Rob Charles (#006593)
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9 and

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15 COUNSEL FOR THE
16 OFFICIAL COMMITTEE OF EQUITY
17 SECURITY HOLDERS
18 OF USA CAPITAL FIRST TRUST DEED
19 FUND, LLC

20 Copy of the foregoing
21 Mailed this 16th day of
22 August, 2007 to:

23 Maria Pena
24 c/o Donna M. Osborn, Esq.
25 Marquis & Aurbach
26 10001 Park Run Drive
Las Vegas, NV 89145

By _____